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Security Council

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

Addendum

Further to my reports of 16 September 1999, 23 December 1999, 3 March 2000, 6 June 2000 and 18 September 2000 (S/1999/987 and Add.1, S/1999/1250 and Add.1, S/2000/177 and Add.1-3, S/2000/538 and Add.1 and S/2000/878 and Add.1), the texts of regulations 2000/50 to 2000/61 issued by my Special Representative are attached herewith for the information of the members of the Security Council.

00-80425 (E) 020101

REGULATION NO. 2000/50

AMENDING UNMIK REGULATION NO. 1999/27, AS AMENDED, ON THE APPROVAL OF THE KOSOVO CONSOLIDATED BUDGET AND AUTHORIZING EXPENDITURES FOR THE PERIOD 1 JANUARY TO 31 DECEMBER 2000

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Having promulgated UNMIK Regulation No. 1999/27 of 22 December 1999 on the Approval of the Kosovo Consolidated Budget and Authorizing Expenditures for the Period 1 January to 31 December 2000 and UNMIK Regulation No. 2000/22 of 20 April 2000 amending UNMIK Regulation No. 1999/27,

For the purpose of amending schedules 1 and 3 attached to UNMIK Regulation No. 1999/27, as amended, in order to reallocate resources between agencies and budget types,

Hereby promulgates the following:

Section 1
Amendment

Schedules 1 and 3 attached to UNMIK Regulation No. 1999/27, as amended, shall be replaced by schedules 1 and 3 attached to the present regulation.

Section 2
Entry into Force

The present regulation shall enter into force on 23 August 2000.

Bernard Kouchner
Special Representative of the Secretary-General

Schedule 1
GENERAL GOVERNMENT BUDGET
1 January - 31 December 2000
(DEUTSCHE MARKS)

Org Code	Func / Sub Func. Code	Department	Subfunction	Employees	Expenditures on Goods and Services		Subsidies and Transfers	Reserve	Total
					Wages & Salaries	Goods and Services			
1010	0101	IAC - KTC Secretariat	Executive, Legislative, Fiscal and External Af	23	81,000	92,160			173,160
1020	0101	Joint Advisory Council on Legislative Matters	Executive, Legislative, Fiscal and External Af	17	142,680				142,680
2010	0101	Central Fiscal Authority	Executive, Legislative, Fiscal and External Af	450	2,169,468	1,964,847			4,134,315
2020	1302	Department for Reconstruction	Multipurpose Development Project Affairs an	30	70,740	93,060			163,800
2030	1301	Department of Trade and Industry	Private Sector Development Affairs	44	101,628	136,547	1,499,971		1,738,056
2030	1101		Mining and Mineral Resource				1,499,971		1,499,971
2040	0400	Department of Education and Science		27,782	91,231,944	17,933,414		2,000,000	111,165,358
2040	0401		Pre-Primary Affairs	665	1,764,000	298,013			2,062,013
2040	0402		Primary Affairs	18,515	59,277,600	10,834,198		2,000,000	72,111,798
2040	0403		Secondary Affairs	5,249	17,955,864	4,174,746			22,130,610
2040	0404		Boarding Facilities & Dormitory Affairs	107	259,200	49,242			308,442
2040	0405		Special Needs Education Affairs	365	1,048,500	208,220			1,256,720
2040	0406		University Affairs	2,510	9,830,580	2,207,426			12,038,006
2040	0407		National University Library Services	81	223,560	49,374			272,934
2040	0408		Educational Administration Affairs	120	367,200	124,185			491,385
2040	0409		Pre- School Affairs	180	605,440				605,440
2060	0800	Department of Culture		677	2,564,460	887,983			3,552,443
2050	0801		Cultural Institute Affairs	183	565,028	209,724			775,752
2050	0802		Art Affairs	217	628,236	238,241			867,477
2050	0803		Library/Archive Affairs	335	955,152	382,739			1,337,891
2050	0804		Museum Affairs	142	415,044	166,279			581,323
2060	0805	Department of Sports		16	40,368	117,105	700,000		857,473
2070		Department of Public Services		1,033	2,139,370	13,324,967			16,464,337
2070	0704		Cadastral Affairs	27	66,660	1,022,400			1,108,260
2070	0706		Housing and Property Affairs	86	360,960	1,413,820			1,774,780
2070	0105		Statistics Affairs	103	320,940	79,018			399,958
2070	0107		General Services	35	59,500	1,370,350			1,429,850
2070	0108		Business Registration	17	47,780	242,204			289,984
2070	1208		Vehicle Registration Affairs	150	450,000	3,000,000			3,450,000
2070	0106		Civil Registry	501	573,120				573,120
2070	0109		Travel Documents	114	241,200	6,197,175			6,438,375

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Schedule 1
GENERAL GOVERNMENT BUDGET
1 January - 31 December 2000
(DEUTSCHE MARKS)

Org. Code	Func. / Sub Func. Code	Department	Subfunction	Employees	Expenditures on Goods and Services		Subsidies and Transfers	Reserve	Total
					Wages & Salaries	Goods and Services			
2060		Department of Justice		6,669	14,166,131	18,384,707			32,540,838
2060	0302		Police Affairs	4,475	7,321,812	10,013,065			17,334,877
2060	0303		Prison Service Affairs	675	1,655,740	3,560,098			5,215,838
2060	0305		Court Affairs	1,298	4,362,626	4,035,826			8,398,353
2060	0306		Public Prosecutor Affairs	211	761,988	736,931			1,488,899
2060	0307		Judicial Advisory Commission Affairs	10	64,080	38,790			102,870
2060	1201	Department of Transport and Infrastructure	Transport and Roads & Bridges Affairs and S	156	604,020	794,620			1,198,640
2100		Department of Post and Telecommunication	Post and Telecommunication Affairs	21	60,026	26,826			76,853
2110		Department of Utilities		6	10,800	163,260	51,909,234		52,073,294
2110	0901		Electricity and Other Energy Affairs			138,060	37,693,800		37,831,860
2110	0701		Water Supply Affairs and Sanitation Affairs				7,566,898		7,556,898
2110	0702		Public Heating Affairs				6,858,736		6,658,736
2110	0902		Administration Office	6	10,800	15,200			26,000
2120		Department of Health and Social Security		11,166	36,036,349	36,661,606	75,000,000		166,896,855
2120	0501		Hospital Affairs and Services	5,245	16,410,960	22,226,210			38,637,170
2120	0601		Social Security Administration Affairs	614	1,588,909	367,643	75,000,000		76,964,552
2120	0602		Primary Health Care Affairs and Services	4,980	15,990,600	13,141,728			29,132,328
2120	0603		Other Health Care Affairs and Services	357	1,046,880	325,925			1,372,805
2130	0602	Department of Labor and Employment	Labor Affairs	143	504,238	167,677			671,916
2140	1001	Department of Agriculture	Agriculture Affairs and Services	420	411,040	133,194			544,234
2150	1002	Department of Environment	Environmental Affairs	29	70,076	211,219			281,294
2160		Department of Civil Security and Emergency Preparation		3,411	12,818,243	9,619,864			22,238,097
2160	0201		Civil Emergency Service	3,052	11,532,883	9,190,993			20,723,876
2160	0301		Fire Service Affairs	359	1,285,560	328,861			1,614,421
2170	0706	Department of Democratic and Civil Society	Civil Society Affairs	16	69,740	71,933			121,673
2180	0101	Department of Local Administration	Executive, Legislative, Fiscal and External Af	24	83,880	29,549			111,629
2190	0101	Department of Non-resident Affairs	Executive, Legislative, Fiscal and External Af	17	41,810	14,872			56,182
2200	0805	Department of Youth	Sports and Youth Services	16	41,885	31,403	100,000		173,388
2010	0102	Banking and Payment Authority	Banking Affairs	409	1,267,866	3,247,592	6,000,000		9,615,648
	1401		Municipalities				10,000,000		10,000,000
	1403		Contingent Expenditures					8,584,024	8,684,024
		Total General Budget		42,713	163,484,419	163,887,280	163,209,234	10,684,024	439,784,848

Schedule 3
PUBLIC ENTERPRISES – UTILITIES and TRANSPORT
1 January - 31 December 2000
(DEUTSCHE MARKS)

Subfunction	Staff	Expenditures				Revenue			Operating Surplus/(Deficit)
		Wages & Salaries	Goods and Services	Capital Investment	Total	User Charges	General Government Subsidy	Total	
Aviation	95	648,000	2,178,000	4,457,000	7,283,000	7,258,000		7,258,000	(25,000)
Bus	988	3,004,560	6,511,440	-	9,516,000	12,384,000		12,384,000	2,868,000
Electricity	6500	26,693,600	60,670,000	-	87,363,600	49,670,000	37,693,600	87,363,600	-
Garbage Collection, Water Supply	3135	7,014,944	9,557,821	-	16,572,766	9,015,868	7,556,898	16,572,766	-
Postal	1100	3,093,562	4,006,438	-	7,100,000	4,100,000		4,100,000	(3,000,000)
Public Heating	203	1,034,908	6,483,910	-	7,518,818	860,082	6,658,736	7,518,818	-
Railways	700	1,680,000	1,303,000	-	2,983,000	3,100,000		3,100,000	117,000
Telecom	700	1,890,180	35,609,820	-	37,500,000	41,300,000		41,300,000	3,800,000
Total	16,421	45,069,754	126,320,429	4,457,000	175,837,184	127,687,950	51,909,234	179,697,184	3,760,000

Note: Postal and Telecom are shown separately for clarity. However, as units operating under one company, Postal's deficit is offset by Telecom's surplus

REGULATION NO. 2000/51

ON THE AGE OF COMPULSORY SCHOOL ATTENDANCE IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure and UNMIK Regulation No. 2000/11 of 3 March 2000 on the Establishment of the Administrative Department of Education and Science,

For the purpose of establishing the age for compulsory school attendance in Kosovo,

Hereby promulgates the following:

Section 1
Age of Compulsory School Attendance

1.1 The age of compulsory school attendance shall be from six (6) years to fifteen (15) years.

1.2 A child who has reached the age of six (6) years by the commencement of an academic year must be enrolled in a school, approved by the Administrative Department of Education and Science (hereinafter "the Department"), in the first school term of that academic year and shall remain enrolled in an approved school for the subsequent years until such child attains the age of fifteen (15) years.

Section 2
Enrollment of Children below Compulsory School Age

The Municipal Director of Education (hereinafter "the Director") may enroll a child who is under the prescribed school age at the beginning of the academic year in circumstances where:

(a) The Director is satisfied that the child would be disadvantaged educationally if not enrolled; or

(b) It is demonstrated that the child has been enrolled in a formal education program in another country or state, and that the child would be disadvantaged educationally if not enrolled in a school.

Section 3
Dispensation

3.1 Every parent or guardian of a child of compulsory school age shall ensure that such child is enrolled in a school approved by the Department unless such parent or guardian has been granted a dispensation by the Department.

3.2 The following reasons shall be grounds for the granting of a dispensation:

(a) The child is receiving efficient and regular instruction in a range of subjects appropriate to the child's needs in a place other than an approved school; or

(b) The child is prevented from attending school for medical reasons which are considered reasonable.

3.3 A dispensation may be also granted for reasons other then those referred to in section 3.2 above, as determined on a case by case basis by the Co-Heads of the Department or by their designated official.

Section 4
Penalties

4.1 It shall be an offence for a parent or guardian of a child of compulsory school age to fail to enroll such child in a school approved by the Department without having obtained a dispensation.

4.2 Any person committing an offence under section 4.1 above shall, on conviction, be punished with a fine of up to 300 DM.

4.3 Any person committing offences subsequent to that referred to in section 4.2 above in respect of the same child shall, on conviction, be punished with a fine of up to 100 DM for each school teaching week, according to the official school calendar, that the child was not enrolled in an approved school since the imposition of the first penalty.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 30 August 2000.

Bernard Kouchner
Special Representative of the Secretary-General

REGULATION NO. 2000/52

ON THE IMPORT, MANUFACTURE, SALE AND DISTRIBUTION OF PHARMACEUTICAL PRODUCTS, INCLUDING NARCOTIC DRUGS AND PSYCHOTROPIC SUBSTANCES

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/10 of 3 March 2000 on the Establishment of the Administrative Department of Health and Social Welfare,

For the purpose of regulating the import, manufacture, sale and distribution of pharmaceutical products, including narcotic drugs and psychotropic substances, in Kosovo,

Hereby promulgates the following:

Section 1
Definitions

For the purposes of the present regulation:

(a) "Pharmaceutical Products" shall mean any substance or mixture of substances that is manufactured, sold, offered for sale or represented:

(i) For use in the treatment, mitigation, prevention, or diagnosis of disease, an abnormal physical state or the symptoms thereof in human or animal;

(ii) For use in the restoration, correction or modification of organic functions in human or animal;

(iii) As labile blood products.

(b) "Narcotic Drugs" shall mean any of the substances listed in Schedules I and II of the Single Convention on Narcotic Drugs 1961, as amended by the 1972 Protocol, whether natural or synthetic;

(c) "Psychotropic Substances" shall mean any substance, natural or synthetic listed in Schedules I, II, III or IV of the Convention on Psychotropic Substances 1971;

(d) "Raw materials" shall mean all substances active or inactive, unchanged or altered that are employed in the manufacture of drugs;

(e) "Intermediate products" shall mean semi-finished products and bulk products;

(f) "Manufacture of pharmaceutical products" shall mean all operations involved in the production of a drug, including processing, compounding, formulating, filling, packaging and labeling;

(g) "Manufacturer" shall mean any licensed person or entity who manufactures products described in paragraphs (a) to (e) above for wholesaling, freesaling or for human trials;

(h) "Pharmaceutical Retailer" shall mean any licensed person or entity who dispenses products described in paragraphs (a) to (c) above and/or makes magistral or officinal preparations; and

(i) "Pharmaceutical Wholesaler" shall mean any licensed person or entity who buys and stores products described in paragraphs (a) to (e) above in order to bulk-distribute them unchanged.

Section 2
Requirement for Licenses

2.1 Any person or entity that wishes to engage in one or more of the following activities shall first obtain a license from the Kosovo Drug Regulatory Authority (hereinafter "the designated authority"):

(a) Operation as a pharmaceutical wholesaler;

(b) Import of pharmaceutical products, including labile blood products and intermediate products;

(c) Import of narcotic drugs and/or psychotropic substances;

(d) Manufacture of pharmaceutical products;

(e) Import of raw materials to be used in manufacturing pharmaceutical products; and

(f) Operation as a pharmaceutical retailer.

2.2 Licenses granted under section 2.1 (a), (b), (c), (e) and (f) above shall be valid for a period of five (5) years unless revoked, suspended or otherwise terminated by the designated authority, or in accordance with the present regulation.

2.3 Licenses granted under section 2.1(d) above shall be valid, unless revoked, suspended or otherwise terminated by the designated authority, for an indefinite period. However, where a renovation is made to premises used for manufacturing or there is a change in the use of the premises, the license shall be reviewed, and may at the discretion of the designated authority be reissued.

Section 3
License for Operation as a Pharmaceutical Wholesaler

3.1 Any person or entity that wishes to operate as a pharmaceutical wholesaler shall make an application to the designated authority for a license providing sufficient proof of having fulfilled the following conditions:

(a) The employment of a pharmacist(s) registered with the designated authority;

(b) The applicant has registered his or her business in accordance with UNMIK Regulation No. 2000/8 of 29 February 2000 on the Provisional Registration of Businesses in Kosovo;

(c) Warehouses or stores are secure and adequate for the purpose and have sufficient space according to the activities conducted on the premises;

(d) The floor of the warehouse is sufficiently durable to withstand heavy traffic and loads;

(e) The warehouse is clean and fulfills normal sanitary conditions, in particular, free from dust, vermin and insects;

(f) Storage spaces are protected from direct sunlight and heat, adequately lit and properly ventilated;

(g) The humidity and temperature of the storage areas are adequately controlled to ensure proper maintenance of the shelf lives of the pharmaceutical products stored in them;

(h) The premises are sufficiently secured preventing unauthorized access;

(i) Transactions pertaining to ordering, storing and distribution of pharmaceutical products including transaction date, drugs received, drugs issued and the name of the recipient of the drugs shall be accurately recorded;

(j) Narcotics and psychotropic substances shall be secured in an appropriate and secure safe and all transactions recorded according to national and international regulations using the registers and documentation approved by the designated authority;

(k) A list of pharmaceutical products that the applicant wishes to wholesale has been submitted to the designated authority;

(l) The applicant shall sell only products approved by the designated authority; and

(m) Thermo-labile products shall be stored in a refrigerator reserved for the storage of pharmaceuticals.

3.2 Any change in pharmacists or a relocation of the business to a different premises shall be brought to the notice of the designated authority. In the event that the business is moved to a different location, a new license shall be applied for.

3.3 The license to operate as a pharmaceutical wholesaler shall at all times be visibly displayed on the premises.

Section 4
License for the Import of Pharmaceutical Products including Intermediate Products

4.1 A licensed pharmaceutical wholesaler may make an application to the designated authority for a license for the import of pharmaceutical products (including intermediate products and labile blood products). The applicant shall make available to the designated authority:

(a) A list of the pharmaceutical products to be imported, each of which must be approved by the designated authority as a product allowed for import;

(b) For each pharmaceutical product on the list a certificate ensuring product quality and safety (such as, a certificate according to the World Health Organisation Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce), including proof of marketing authorization and for every product on the list which is not an intermediate product, proof of compliance with Good Manufacturing Practices (GMP) in the exporting country; and

(c) For each pharmaceutical product on the list, documents justifying the use of the product and hence the need to import it into Kosovo.

4.2 The shelf life of any imported pharmaceutical product shall be at least one (1) year from the date of delivery into Kosovo. In special cases, as determined by the designated authority, a shorter shelf life may be acceptable.

4.3 A Certificate of Analysis showing the specifications and test results of a pharmaceutical product may in appropriate circumstances be required.

Section 5
License for the Import of Narcotic Drugs and Psychotropic Substances

A licensed pharmaceutical wholesaler that wishes to import narcotic drugs and/or psychotropic substances shall make an application to the designated authority for a license in accordance with the requirements and procedures set forth in section 4 above, applying to pharmaceutical products.

Section 6
License to Manufacture Pharmaceutical Products

Any person or entity that wishes to manufacture pharmaceutical products shall make an application for a license to the designated authority in accordance with requirements that shall be set out in a regulation.

Section 7
License for the Import of Raw Materials to be Used in the Manufacture of Pharmaceutical Products

7.1 Any person or entity that wishes to import raw materials to be used in the manufacture of pharmaceutical products shall make an application to the designated authority for a license. The applicant shall make available to the designated authority:

(a) A list of the products to be imported, each of which must be approved by the designated authority as a product approved for import;

(b) For each product on the list, a certificate ensuring product quality and safety (such as, a certificate according to the World Health Organisation Certification Scheme on the Quality of Pharmaceutical Products Moving in International Commerce);

(c) For each active pharmaceutical substance, a document issued by the appropriate authority of the exporting country, certifying the use of the active substance in the manufacture of drugs and confirming that it is a substance authorized for export; and

(d) For each raw material, a document justifying the need to import the material into Kosovo, specifying its use as well as authorizing its use in the manufacture of drugs in Kosovo.

7.2 The shelf life of any imported raw material shall be at least one (1) year from the date of delivery into Kosovo. In special cases, as determined by the designated authority, a shorter shelf life may be acceptable.

7.3 A Certificate of Analysis showing the specifications and test results shall accompany each batch of raw materials to be imported.

Section 8
License for Operation as a Pharmaceutical Retailer

8.1 Any person or entity that wishes to operate as a pharmaceutical retailer shall make an application to the designated authority for a license providing sufficient proof of having fulfilled the following conditions:

(a) The employment of a pharmacist(s) registered with the designated authority with at least one (1) year of relevant experience;

(b) The pharmacy employs at least one (1) pharmacy assistant;

(c) The applicant has registered his or her business in accordance with UNMIK Regulation No. 2000/8 of 29 February 2000 on the Provisional Registration of Businesses in Kosovo;

(d) The premises are secure and adequate for use as a pharmacy;

(e) The premises have sufficient office and storage space according to the activities conducted on the premises. Additional space is required for toilets, washing rooms and wardrobes and, if the pharmacy is to prepare galenical products, a laboratory with sufficient space according to the activities conducted in the laboratory;

(f) The pharmacy possesses adequate literature on relevant subjects;

(g) The premises are clean and fulfill normal sanitary conditions, in particular, free from dust, vermin and insects;

(h) Storage spaces are protected from direct sunlight and heat, adequately lit and properly ventilated;

(i) The humidity and temperature of the storage areas are adequately controlled to ensure proper maintenance of the shelf lives of the pharmaceutical products stored in them;

(j) The premises are sufficiently secured to prevent unauthorized access;

(k) The applicant shall sell only products approved by the designated authority;

(l) Transactions pertaining to the ordering, storing and distribution of pharmaceutical products including purchase, sale and prescriptions shall be accurately recorded;

(m) Narcotics and psychotropic substances shall be secured in an appropriate and secure safe and all transactions recorded according to national and international regulations using the registers and documentation approved by the designated authority; and

(n) Thermo-labile products shall be stored in a refrigerator reserved for the storage of pharmaceuticals.

8.2 Any change in pharmacy managers or a relocation of the business to a different premise shall be brought to the notice of the designated authority. In the event that the business is moved to a different location, a new license shall be applied for.

8.3 The license to operate the premises as a pharmacy shall at all times be visibly displayed on the premises.

Section 9
Responsible Pharmacist

A Pharmacist, for the purposes of section 3.1(a) and section 8.1(a) above shall be a person who, in the opinion of the designated authority, possesses:

(a) Knowledge of the activities to be carried out and of the procedures to be performed under the license; and

(b) Experience in those activities and procedures, which is adequate for those purposes.

Section 10
Banned and Restricted Products

10.1 Products listed in the "Consolidated List of Products Whose Consumption and/or Sale Have Been Banned, Withdrawn, Severely Restricted or Not Approved by Governments", published by the United Nations, as revised from time to time, are banned from import.

10.2 Drug Donations will only be accepted after prior approval by the designated authority and upon proof that the goods to be donated comply with the "Interagency Guidelines for Drug Donations", as revised from time to time.

Section 11
Promotion of Pharmaceutical Products

Pharmaceutical importers, manufacturers, wholesalers and retailers, when promoting their products shall comply with the criteria and procedures established in Resolution of the World Health Assembly, WHA41.17 on the "Ethical Criteria for Medicinal Drug Promotion", as revised from time to time, as it applies to their particular circumstance.

Section 12
Violations and Penalties

12.1 It shall be an offence for any person to engage or be involved in any of the activities specified in section 2.1 above without first obtaining a license from the designated authority, or to continue to so engage or be involved, pending the suspension, revocation, or termination of any such license, in accordance with the present regulation.

12.2 The designated authority may confiscate, without compensation, pharmaceutical products including narcotic drugs and psychotropic substances held or used without a license or in any way not in compliance with the terms of any license issued under this regulation. Where the holder breaches a material provision of the license, the designated authority may suspend or revoke the license.

12.3 Any person committing an offence under the provisions of section 12.1 above shall be liable to applicable penalties that shall be set out in a regulation.

Section 13
Pharmaceutics Appeals Board

13.1 The Pharmaceutics Appeals Board (hereinafter "the Board") shall hear and decide on appeals by any applicant against a refusal of the designated authority to issue a license or a decision to suspend, revoke or otherwise terminate a license. The Board may uphold, modify or rescind any decision of the designated authority to refuse, suspend, revoke or terminate a license. The Board shall state the reasons for its decision.

13.2 Appeal against a decision of the designated authority shall be made within fifteen (15) days of the issuance of such decision. The appeal shall be made in writing and may be accompanied by such documentation or other evidence as the appellant wishes to present.

13.3 The Board shall be composed of two (2) international members and three (3) local members who shall be recommended by the Deputy Special Representative of the Secretary-General for Civil Administration. The Special Representative of the Secretary-General shall appoint the members of the Board and shall designate one international member as the President of the Board.

13.4 The Board shall determine its own rules of procedure, which shall guarantee fair and impartial proceedings in accordance with internationally recognized human rights standards. In particular, such rules shall include provisions on reconsideration of decisions of the Board. The said rules of procedure shall be adopted prior to the first hearings of appeals by the Board.

13.5 Nothing in this section shall preclude an applicant from seeking redress against any decision of the Board from a competent court in Kosovo.

Section 14
License Fees

14.1 The designated authority shall levy fees for licenses issued under the present regulation in amounts and under conditions which shall be set forth in an administrative direction.

14.2 Revenue derived from license fees shall be deposited in the Kosovo Consolidated Budget.

Section 15
Transitional Provisions

Existing importers, manufacturers, wholesalers and retailers shall apply for the licenses provided for in section 2.1 no later than thirty (30) days after the entry into force of the present regulation.

Section 16
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 17
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 18
Entry into Force

The present regulation shall enter into force on 2 September 2000.

Bernard Kouchner
Special Representative of the Secretary-General

REGULATION NO. 2000/53 ON CONSTRUCTION IN KOSOVO
also known as
"REXHEP LUCI REGULATION ON CONSTRUCTION"[1]

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating construction of real property and changes in the use of real property in Kosovo,

Hereby promulgates the following:

Section 1
Definitions

"Construction" means the erection, installation, replacement, renovation, enlargement, alteration, conversion or demolition of any building or structure, excluding routine work done to maintain existing buildings or structures and excluding minor work specified by the competent municipal authority in municipal instructions as not requiring a construction permit". "Construction" includes changes made to the function or use of real property that deviate from recognized urban plans.

[1] Mr. Rexhep Luci, a respected architect and the Director of the Department of Planning, Reconstruction and Development, was murdered on 11 September 2000. The present regulation is named in his honor and in memory of the contributions he made to Kosovo and, in particular, to the municipality of Pristina.

"Persons responsible for construction" means owners, occupiers or users of real property who engage in construction on such property and all natural and legal persons who order or contract for construction.

Section 2
Construction Permits

2.1 All construction shall require a construction permit issued by the competent municipal authority.

2.2 Municipal authorities shall issue instructions for the application for and the issuance of construction permits, which, in accordance with the applicable law, as defined in UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo, shall specify, *inter alia*,

(a) technical, safety and environmental requirements;
(b) requirements relating to water, electricity and sewage connections for the proposed construction; and
(c) time limits for decisions by the municipality.

2.3 Criteria for granting exemptions from the requirements for the application for and issuance of construction permits, other than fees referred to in section 2.4, shall be provided in an administrative direction issued by the Special Representative of the Secretary-General.

2.4 Municipal authorities shall set all fees related to the application for and the issuance of construction permits, which shall be payable to the municipality.

Section 3
General Provisions

3.1 When applying for a construction permit, an applicant shall provide to the municipal authority a construction plan. In reviewing the application, the municipal authority shall take account of the municipal urban plan, if any. If the municipal authority has reasonable grounds to believe that the applicant does not have the right to use land or a building for the proposed construction, it may deny the issuance of a construction permit. The reason for the denial shall be communicated to the applicant in writing.

3.2 Municipal authorities shall issue construction permits strictly for the purpose of municipal control of construction. The issuance of a construction permit shall not confer or confirm any ownership right, right to use or any other right in the underlying land or in structures erected upon that land, nor shall it constitute a determination of claims as to

ownership rights or any other rights in the underlying land or in structures erected upon that land.

5.3 Applicants shall assume all liability for any claim arising from or related to a construction carried out pursuant to a construction permit, as well as for any claim for ownership or other right in any land or building on which such construction is carried out.

5.4 The number of the construction permit, together with the name, address and telephone number of the person(s) responsible for the construction, shall be visibly displayed on a sign at the construction site before the construction commences and until it is completed.

Section 4
Legalization of Construction

4.1 Where construction had commenced after 10 June 1999 but before the date on which the present regulation enters into force, without a construction permit, persons responsible for the construction are required to apply to the municipal authorities for a construction permit in accordance with sections 2 and 3 above. Construction permits issued under the present section shall be deemed effective retroactively.

4.2 Criteria and related sanctions regarding the legalization of such construction as referred to in section 4.1 above that does not meet the requirements for the issuance of a construction permit, shall be provided in an administrative direction issued by the Special Representative of the Secretary-General.

Section 5
Sanctions

Any person responsible for construction without a construction permit, other than as referred to in section 4 above, or in violation of a construction permit, shall be subject to such sanctions as provided in the applicable law.

Section 6
Reconsideration and Review

6.1 Applicants for construction permits and persons upon whom a sanction has been applied shall have the right to seek reconsideration of such decisions, pursuant to procedures set forth in instructions issued by municipal authorities.

6.2 Where the municipality has affirmed its decision upon reconsideration, applicants for

construction permits and persons upon whom a sanction has been applied shall have the right to seek further administrative and judicial review as provided for in the applicable law.

6.3 Requests for reconsideration or administrative or judicial review shall not suspend the enforcement of any sanction imposed by municipal authorities in accordance with section 5 above.

Section 7
Public Health, Safety And Security

Nothing in the present regulation shall in any way limit or restrict the authority of the municipality to take such action as is necessary, including the demolition of a building or structure, to protect public health, safety or security.

Section 8
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 9
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 10
Entry into Force

The present regulation shall enter into force on 25 September 2000.

Bernard Kouchner
Special Representative of the Secretary-General

REGULATION NO. 2000/54

AMENDING UNMIK REGULATION NO. 1999/1, AS AMENDED, ON THE AUTHORITY OF THE INTERIM ADMINISTRATION IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Having promulgated United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 1999/25 of 12 December 1999 amending UNMIK Regulation No. 1999/1,

Taking into account UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo,

Hereby amends sections 1.2 and 6 of UNMIK Regulation No. 1999/1, as amended.

Consequently, the regulation will have the following wording as of the date on which the present regulation enters into force:

REGULATION NO. 1999/1

ON THE AUTHORITY OF THE INTERIM ADMINISTRATION IN KOSOVO

The Special Representative of the Secretary-General,

Recalling resolution 1244 (1999) of 10 June 1999, whereby the United Nations Security Council, acting under Chapter VII of the Charter of the United Nations, authorised the Secretary-General, with the assistance of relevant international organisations, to establish an international civil presence in Kosovo, known as the United Nations Interim Administration Mission in Kosovo (UNMIK), in order to provide an interim administration in Kosovo with the mandate as described in the resolution,

Acting pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999, and for the purpose of establishing and maintaining the interim administration in the territory of Kosovo,

Hereby promulgates the following:

Section 1
Authority of the Interim Administration

1.1 All legislative and executive authority with respect to Kosovo, including the administration of the judiciary, is vested in UNMIK and is exercised by the Special Representative of the Secretary-General.

1.2 The Special Representative of the Secretary-General may appoint any person to perform functions in the civil administration in Kosovo, including the judiciary, or remove such person. Such functions shall be exercised in accordance with the applicable law, as specified in UNMIK Regulation No. 1999/24.

Section 2
Observance of Internationally Recognized Standards

In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards and shall not discriminate against any person on any ground such as sex, race, color, language, religion, political or other opinion, national, ethnic or social origin, association with a national community, property, birth or other status.

Section 3
Applicable Law in Kosovo

[Repealed in accordance with UNMIK Regulation No. 1999/25]

Section 4
Regulations Issued by UNMIK

In the performance of the duties entrusted to the interim administration under United Nations Security Council resolution 1244 (1999), UNMIK will, as necessary, issue legislative acts in the form of regulations. Such regulations will remain in force until repealed by UNMIK or superseded by such rules as are subsequently issued by the institutions established under a political settlement, as provided for in United Nations Security Council resolution 1244 (1999).

Section 5
Entry into Force and Promulgation of Regulations Issued by UNMIK

5.1 UNMIK regulations shall be approved and signed by the Special Representative of the Secretary-General. They shall enter into force upon the date specified therein.

5.2 UNMIK regulations shall be issued in Albanian, Serbian and English. In case of divergence, the English text shall prevail. The regulations shall be published in a manner that ensures their wide dissemination by public announcement and publication.

5.3 UNMIK regulations shall bear the symbol UNMIK/REG/, followed by the year of issuance and the issuance number of that year. A register of the regulations shall indicate the date of promulgation, the subject matter and amendments or changes thereto or the repeal or suspension thereof.

Section 6
Administration of Property

6.1 UNMIK shall administer movable or immovable property which is in the territory of Kosovo, including monies, bank accounts and other assets, where UNMIK has reasonable and objective grounds to conclude that such property is:

(a) property of, or registered in the name of, the Federal Republic of Yugoslavia or the Republic of Serbia or any of their organs; or

(b) socially owned property.

6.2 Administration by UNMIK of property pursuant to section 5.1 above shall be without prejudice to the right of any person or entity to assert ownership or other rights in the property in a competent court in Kosovo, or in a judicial mechanism to be established by regulation.

Section 7
Entry into force

The present regulation[1] shall be deemed to have entered into force as of 10 June 1999, the date of adoption by the United Nations Security Council of resolution 1244 (1999).

The present regulation shall enter into force on 27 September 2000.

Bernard Kouchner
Special Representative of the Secretary-General

[1] The original regulation

REGULATION NO. 2000/55

AMENDING UNMIK REGULATION NO. 1999/3 ON THE ESTABLISHMENT OF THE CUSTOMS AND OTHER RELATED SERVICES IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Having promulgated UNMIK Regulation No. 1999/3 of 31 August 1999 on the Establishment of the Customs and Other Related Services in Kosovo,

Whereas section 1.1 of UNMIK Regulation No. 1999/3 provides that all goods of any type destined exclusively for Kosovo are subject to a customs rate equal to ten percent (10%), for a transitional period, with the exception of the goods listed in Annex I thereof,

For the purpose of amending Annex I to UNMIK Regulation No. 1999/3,

Hereby promulgates the following:

Section 1
Amendment

Annex I to UNMIK Regulation No. 1999/3 shall be replaced by Annex I to the present regulation.

Section 2
Entry into Force

The present regulation shall enter into force on 6 October 2000.

Bernard Kouchner
Special Representative of the Secretary-General

Annex I - List of goods exempt from customs duties
Exports
Milk*
Cooking oils and fats*
Vegetables**
Fruits**
Wheat Flour**
Pharmaceutical products
Medical and surgical instruments and apparatus
Stamps and valuable papers classified in heading 4907 of the Harmonized Customs Tariff
Agricultural fertilizer classified in chapter 31 of the Harmonized Customs Tariff
Goods imported by UNMIK, KFOR, UNHCR, ICRC, Red Cross and Red Crescent Societies, and NGOs registered with UNMIK with public benefit status
Goods imported by foreign diplomatic and consular missions for their official use
Goods funded from the proceeds of grants made to UNMIK by governments, government agencies, governmental or non-governmental organizations, in support of humanitarian and reconstruction programmes and projects in Kosovo

* This exemption shall cease to apply on 27 October 2000.

** This exemption shall cease to apply on 1 June 2001.

REGULATION NO. 2000/56

AMENDING UNMIK REGULATION NO. 2000/2, AS AMENDED, ON EXCISE TAXES IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Having promulgated UNMIK Regulation No. 2000/2 of 22 January 2000 on Excise Taxes in Kosovo, and UNMIK Regulations No. 2000/26 of 27 April 2000 and No. 2000/35 of 16 June 2000 amending UNMIK Regulation No. 2000/2,

Whereas section 2.2 of UNMIK Regulation No. 2000/2, as amended, provides that the goods subject to excise taxes and the applicable excise tax rates are set out in Annex A thereof,

For the purpose of amending Annex A to UNMIK Regulation No. 2000/2, as amended,

Hereby promulgates the following:

Section 1
Amendment

Annex A to UNMIK Regulation No. 2000/2, as amended, shall be replaced by Annex A to the present regulation.

Section 2
Entry into Force

The present regulation shall enter into force on 1 November 2000.

Bernard Kouchner
Special Representative of the Secretary-General

ANNEX A
GOODS SUBJECT TO EXCISE TAXES AND RATES

Description of goods	Code in Harmonized System	Tax Rate
Coffee	0901	Ad valorem 30%
Soft drinks	2202	Ad valorem 10 %
Beer made from malt	2203	DM 0.3 per liter
Wine of fresh grapes, including fortified wines, grape must other than that of heading no. 20.09 Vermouth and other wine or fresh grapes flavoured with plants or aromatic substances	2204, 2205	DM 0.4 per liter
Other fermented beverages (for example, cider, perry, mead), mixtures of fermented beverages and mixtures of fermented beverages and non-alcoholic beverages, not elsewhere specified or included	2206	DM 0.3 per liter
Undenatured ethyl alcohol of an alcoholic strength by volume of 80% or higher	2207	DM 2 per liter of alcohol
Undenatured ethyl alcohol of an alcoholic strength by volume of less than 80% ; spirits, liqueurs and other spirituous beverages	2208	DM 2 per liter of alcohol
Cigarettes	2402	DM 4 per 1000 cigarettes
Cigars, cigarillos, and other manufactured tobacco	2402 2403	Ad valorem 50%
Gasoline	2710 00 26, 2710 00 27, 2710 00 29, 2710 00 32, 2710 00 34, 2710 00 36,	30 pfennig per liter *
Gas Oil	2710 00 66, 2710 00 68	25 pfennig per liter *
Diesel for motor engines (D1 +D2)	2710 00 3100	25 pfennig per liter *
Kerosene	2710 00 51, 2710 00 55	25 pfennig per liter *
Heating Oil	2710004100; 271004900	25 pfennig per liter *
Mobile phones	851719	Ad valorem 15 %
VCR	8521	Ad valorem 15 %
TV sets	8528	Ad valorem 15 %
Satellite dishes	85291031	Ad valorem 15 %
Motor cars and other motor vehicles principally designed for the transport of persons (other than those of heading no. 8702), including station wagons and racing cars	8703	Ad valorem 20 % + DM 1000 each

* This tax rate shall increase by 5 pfennig on 1 January 2001 followed by a further increase of 5 pfennig on 1 April 2001.

REGULATION NO. 2000/57

AMENDING UNMIK REGULATION NO. 1999/7 ON APPOINTMENT AND REMOVAL FROM OFFICE OF JUDGES AND PROSECUTORS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Having promulgated UNMIK Regulation No. 1999/7 on Appointment and Removal From Office of Judges and Prosecutors of 7 September 1999,

For the purpose of establishing an independent and multi-ethnic judiciary in Kosovo,

Hereby amends section 3.3 of UNMIK Regulation No. 1999/7,

Consequently, the regulation will have the following wording as of the date on which the present regulation enters into force.

REGULATION NO. 1999/7

ON APPOINTMENT AND REMOVAL FROM OFFICE OF JUDGES AND PROSECUTORS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of establishing an independent and multi-ethnic judiciary in Kosovo,

Hereby promulgates the following:

Section 1
The Advisory Judicial Commission

1.1 The Advisory Judicial Commission (hereinafter called the Commission) is hereby established to advise the Special Representative of the Secretary-General on matters related to the appointment of judges and prosecutors as required, as well as on complaints, if any, against any judge or prosecutor. Upon request from the Special Representative of the Secretary-General, the Commission may tender advice on other issues related to the judicial system.

1.2 The Commission shall be independent in the exercise of its functions.

Section 2
Composition

2.1 The Commission shall be composed of eight local and three international experts. The composition of the Commission shall be multi-ethnic and reflect varied legal expertise. Both local and international members of the Commission shall be distinguished legal professionals meeting the highest standards of efficiency, competence and integrity. They shall be independent and impartial. They shall not hold public office or any other position incompatible with their functions as members of the Commission.

2.2 The individual members shall be selected and appointed by the Special Representative of the Secretary-General in accordance with the above principles after appropriate consultations.

Section 3
Appointment and term of office

3.1 Upon appointment, each member of the Commission shall subscribe to a solemn oath or declaration before the Special Representative of the Secretary-General. The form of the oath or declaration shall be as follows:

"I solemnly declare and promise to discharge the functions entrusted to me by UNMIK regulation 1999/7 of 7 September 1999, as amended, strictly according to its terms and not to seek or accept instructions in regard to the performance of these duties from any source other than the Special Representative of the Secretary-General."

3.2 If the Special Representative of the Secretary-General becomes aware of evidence that indicates that a member of the Commission has failed to comply with his or her obligations under the present regulation the Special Representative of the Secretary-General shall inform the member of the charge and consider the member's response before taking any action other than temporary suspension of the member pending resolution of the charge. The Special Representative of the Secretary-General may remove the member from office if he considers that the charge is established.

3.3 The term of office of the members of the Commission shall be one year. This term may be extended for such period(s) as the Special Representative of the Secretary-General may determine.

Section 4
Procedural issues

4.1 The Commission shall adopt its rules of procedure.

4.2 The Commission may as necessary form committees for the efficient discharge of its duties.

4.3 The Commission shall convene meetings as required or upon request by the Special Representative of the Secretary-General.

Section 5
Functions and objectives

5.1 The Commission shall invite, by public announcement, applications of legal professionals in Kosovo for service as judges or prosecutors. It shall review the individual applications and make its recommendation in writing to the Special Representative of the Secretary-General on candidates indicating the reasons therefor.

5.2 In reviewing individual applications, the Commission members shall be guided by UNMIK's goal to establish a professional, independent, impartial and multi-ethnic judiciary and prosecution service.

Section 6
Criteria for selection of candidates

6.1 Applicants for service as judges or prosecutors shall satisfy the following criteria:

a) have a university degree in law;

b) have passed the examination for candidates for the judiciary, or, in the case of applicants for the position of a judge in the Minor Offences Court, have passed the professional examination;

c) be of high moral integrity;

d) not have a criminal record;

e) not have participated in discriminatory measures, or applied any repressive law or have implemented dictatorial policies;

f) not be registered with any political party or otherwise engage in political activity.

6.2 Except in the case of positions in the Minor Offences Court, applicants should have relevant work experience in the field of law, i.e. three years for the position of a Municipal Court judge (or prosecutor) or of a judge of Minor Offences Appeals body, seven years for the position of a District Court judge (or prosecutor) and four years for the position of a Commercial Court judge.

Section 7
Appointment and removal from office of judges and prosecutors

7.1 The Special Representative of the Secretary-General shall appoint judges and prosecutors taking into account the recommendation of the Commission under section 5.1 above.

7.2 A judge or prosecutor shall not hold any other public or administrative office or engage in any occupation of a professional nature, whether remunerative or not, or otherwise engage in any activity incompatible with his or her functions.

7.3 A complaint regarding a judge shall be referred to the Special Representative of the Secretary-General, who shall consult the Commission. After investigating the complaint, the Commission shall make an appropriate recommendation to the Special Representative of the Secretary-General, bearing in mind that no judge may be removed from office except on the ground of:

a) physical or mental incapacity which is likely to be permanent or prolonged;

b) serious misconduct;

c) failure in the due execution of office; or

d) having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

7.4 The above procedure shall also be followed mutatis mutandis in the case of a complaint against a prosecutor.

7.5 The Special Representative of the Secretary-General may remove from office a judge or prosecutor after taking into account the recommendation of the Commission under section 7.3 or 7.4 above.

Section 8
Emoluments and facilities

8.1 The honorarium to be paid to the members of the Commission shall be determined by the Special Representative of the Secretary-General.

8.2 The facilities required for the functioning of the Commission shall be provided by the Special Representative of the Secretary-General.

Section 9
Applicable law

This regulation shall supersede any provision in the applicable laws relating to the appointment and removal from office of judges and prosecutors which is inconsistent with it.

Section 10
Final and transitional provisions

10.1 This regulation[1] shall enter into force on 7 September 1999.

10.2 UNMIK emergency decrees 1999/1, 1999/2 are hereby repealed. However, judges, prosecutors and other judicial personnel provisionally appointed pursuant to these decrees shall continue to hold office until their respective terms expire.

The present regulation shall enter into force on 6 October 2000.

Bernard Kouchner
Special Representative of the Secretary-General

[1] As original regulation

REGULATION NO. 2000/58

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF NON-RESIDENT AFFAIRS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of establishing the Administrative Department of Non-Resident Affairs,

Hereby promulgates the following:

Section 1
Administrative Department of Non-Resident Affairs

1.1 The Administrative Department of Non-Resident Affairs (hereinafter "the Department") is hereby established.

1.2 The term "non-resident affairs" is understood to encompass matters relating to educational, social, cultural, humanitarian, sports, youth and media activities, as well as information assistance to facilitate business investments, civil and voter registration and travel documents.

1.3 Nothing in the present regulation should be construed as encompassing political, diplomatic and/or consular matters or functions.

1.4 The Department shall be responsible for non-resident affairs, including matters relating to members of all ethnic, religious or linguistic communities of Kosovo temporarily or permanently living outside of Kosovo (hereinafter "non-residents"), and contacts with other relevant persons and organizations outside of Kosovo.

1.5 The Department shall implement the policy guidelines formulated by the Interim Administrative Council in the field of non-resident affairs and shall safeguard the non-discriminatory character of all activities.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*:

(a) An overall strategy and policies for the management and conduct of non-resident affairs;

(b) Programs for the efficient, effective and non-discriminatory management and conduct of non-resident affairs, and

(c) The preparation of regulations on matters pertaining to non-resident affairs.

2.2 The Department shall:

(a) Implement the strategy and policies relating to non-resident affairs;

(b) Collect and analyze demographic and other data on non-resident affairs, including non-resident organizations and media institutions;

(c) Foster and facilitate, in consultation with other relevant administrative departments, non-resident educational, social, cultural, humanitarian, sports, youth and media organizations and activities;

(d) Foster and facilitate communication and contacts between persons and organizations within Kosovo, and persons and organizations outside of Kosovo, through activities such as:

(i) development, dissemination, and exchange of informational, cultural, educational and other materials; and

(ii) promotion of personal contacts through visits, lectures, performances, sporting events, festivals and conferences;

(e) Foster and facilitate fund-raising activities and donations by non-resident persons, groups and organizations for the ends enumerated in (c) and (d) above, and compile available information about the collection and use of such funds;

(f) Foster and facilitate business investment in Kosovo by non-residents through the provision of information and liaison assistance;

(g) Co-ordinate with other relevant administrative departments, international and governmental agencies, and non-governmental organizations on matters pertaining to non-resident affairs;

(h) Facilitate communication between non-resident persons and organizations and relevant administrative departments and provide information assistance outside of Kosovo on such matters as civil and voter registration and travel documents;

(i) Liaise with and, to the extent possible, assist relevant persons and organizations to undertake humanitarian activities such as:

(i) facilitating the dignified, phased and humane return to Kosovo of non-residents;
(ii) addressing the situation of persons from Kosovo in detention or believed missing outside Kosovo; and
(iii) facilitating the return to Kosovo of the remains of deceased persons from Kosovo;

(j) Formulate and implement the budget for the Department, with associated monitoring and reporting; and

(k) Perform such other functions as are ancillary to those set out above and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Department

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department, and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Department; and

(c) The effective and efficient management of resources provided to the Department from the Kosovo Consolidated Budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavour to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment for the Department is based on professional qualifications, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law that is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 19 October 2000.

Bernard Kouchner
Special Representative of the Secretary-General

REGULATION NO. 2000/59

AMENDING UNMIK REGULATION NO. 1999/24 ON THE LAW APPLICABLE IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Having promulgated UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo,

For the purpose of defining the applicable law in Kosovo,

Hereby amends section 1 of UNMIK Regulation No. 1999/24, by adding a new section 1.6.

Consequently, the regulation will have the following wording as of the date on which the present regulation enters into force:

REGULATION NO. 1999/24

ON THE LAW APPLICABLE IN KOSOVO

The Special Representative of the Secretary General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of defining the law applicable in Kosovo,

Hereby promulgates the following:

Section 1
Applicable Law

1.1 The law applicable in Kosovo shall be:

(a) The regulations promulgated by the Special Representative of the Secretary-General and subsidiary instruments issued thereunder; and

(b) The law in force in Kosovo on 22 March 1989

In case of a conflict, the regulations and subsidiary instruments issued thereunder shall take precedence.

1.2 If a court of competent jurisdiction or a body or person required to implement a provision of the law, determines that a subject matter or situation is not covered by the laws set out in section 1.1 of the present regulation but is covered by another law in force in Kosovo after 22 March 1989 which is not discriminatory and which complies with section 1.3 of the present regulation, the court, body or person shall, as an exception, apply that law.

1.3 In exercising their functions, all persons undertaking public duties or holding public office in Kosovo shall observe internationally recognized human rights standards, as reflected in particular in:

The Universal Declaration on Human Rights of 10 December 1948;
The European Convention for the Protection of Human Rights and Fundamental Freedoms of 4 November 1950 and the Protocols thereto;
The International Covenant on Civil and Political Rights of 16 December 1966 and the Protocols thereto;
The International Covenant on Economic, Social and Cultural Rights of 16 December 1966;
The Convention on the Elimination of All Forms of Racial Discrimination of 21 December 1965;
The Convention on Elimination of All Forms of Discrimination Against Women of 17 December 1979;
The Convention Against Torture and Other Cruel, Inhumane or Degrading Treatment or Punishment of 17 December 1984; and
The International Convention on the Rights of the Child of 20 December 1989.

1.4 No person undertaking public duties or holding public office in Kosovo shall discriminate against any person on any ground such as sex, race, colour, language, religion, political or other opinion, natural, ethnic or social origin, association with a national community, property, birth or other status. In criminal proceedings, the defendant shall have the benefit of the most favourable provision in the criminal laws which were in force in Kosovo between 22 March 1989 and the date of the present regulation.

1.5 Capital punishment is abolished.

1.6 For each offence punishable by the death penalty under the law in force in Kosovo on 22 March 1989, the penalty will be a term of imprisonment between the minimum as provided for by the law for that offence and a maximum of forty (40) years.

Section 2
Implementation

Courts in Kosovo may request clarification from the Special Representative of the Secretary-General in connection with the implementation of the present regulation. The Special Representative of the Secretary-General shall provide such clarification for the consideration of the courts in the exercise of their functions.

Section 3
Entry into Force

The present regulation[1] shall be deemed to have entered into force as of 10 June 1999.

Section 4
Transitional Provision

All legal acts, including judicial decisions, and the legal effects of events which occurred, during the period from 10 June 1999 up to the date of the present regulation, pursuant to the laws in force during that period under section 3 of UNMIK Regulation No. 1999/1 of 25 July 1999, shall remain valid, insofar as they do not conflict with the standards referred to in section 1 of the present regulation or any UNMIK regulation in force at the time of such acts.

The present regulation shall enter into force on 27 October 2000. The new section 1.6 shall apply only to crimes committed after that date.

Bernard Kouchner
Special Representative of the Secretary-General

[1] The original Regulation

REGULATION NO. 2000/60

ON RESIDENTIAL PROPERTY CLAIMS AND THE RULES OF PROCEDURE AND EVIDENCE OF THE HOUSING AND PROPERTY DIRECTORATE AND THE HOUSING AND PROPERTY CLAIMS COMMISSION

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

Recalling UNMIK Regulation No. 1999/23 of 15 November 2000 on the Establishment of the Housing and Property Directorate and the Housing and Property Claims Commission,

For the purpose of further elaborating the law relating to residential property in Kosovo, and establishing the Rules of Procedure and Evidence of the Housing and Property Directorate and the Housing and Property Claims Commission,

Hereby promulgates the following:

Section 1
Definitions

For the purposes of the present regulation:

'Abandoned housing' means any property, which the owner or lawful possessor and the members of his/her family household have permanently or temporarily, other than for an occasional absence, ceased to use and which is either vacant or illegally occupied.

'Allocation right holder' means the holder of the right of disposal of a socially owned apartment in accordance with the law that was applicable at the time.

'Associated property' means land and buildings owned or used by the claimant, which form a a unit with a residential property

'Commission' means the Housing and Property Claims Commission established under UNMIK Regulation No. 1999/23.

'Directorate' means the Housing and Property Directorate established under UNMIK Regulation No. 1999/23.

'Discrimination' means any distinction on grounds such as language, religion, political or other opinion, national or ethnic origin, or association with a national community, which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of a property right.

'Informal transaction' means any real property transaction, which was unlawful under the provisions of the Law on Special Conditions Applicable to Real Estate Transactions (Official Gazette SRS 30/89, as amended by the laws published in Official Gazette SRS 42/89 and 22/91) or other discriminatory law, and which would otherwise have been a lawful transaction.

'Occupancy right' means a right of use of a socially owned apartment under a contract on use of the apartment made under the Law on Housing Relations[1] or the Law on Housing.[2] It does not include the right to use apartments for official purposes ('service apartments') or apartments used as temporary accommodation, or leases of socially owned apartments.

'Property' means any residential house or apartment, any socially owned apartment, and any associated property.

'Property right' means any right of ownership of, lawful possession of, right of use of or occupancy right to, property.

Chapter I
Substantive Provisions

Section 2
General Principles

2.1 Any property right which was validly acquired according to the law applicable at the time of its acquisition remains valid notwithstanding the change in the applicable law in Kosovo, except where the present regulation provides otherwise.

2.2 Any person whose property right was lost between 23 March 1989 and 24 March 1999 as a result of discrimination has a right to restitution in accordance with the present regulation. Restitution may take the form of restoration of the property right (hereafter "restitution in kind") or compensation.

2.3 Any property transaction which took place between 23 March 1989 and 13 October 1999, which was unlawful under the provisions of the Law on Special Conditions Applicable to Real Estate Transactions (Official Gazette SRS 30/89, as amended by the laws published in

[1] Official Gazette SAPK, No. 11/83, 29/86, 42/86 (hereafter "the Law on Housing Relations").
[2] Official Gazette SRS, No. 50/92, 49/95 (hereafter "the Law on Housing").

Official Gazette SRS 42/89 and 22/91) or other discriminatory law, and which would otherwise have been a lawful transaction, is valid.

2.4 Any person who acquired the ownership of a property through an informal transaction based on the free will of the parties between 23 March 1989 and 13 October 1999 is entitled to an order from the Directorate or Commission for the registration of his/her ownership in the appropriate public record. Such an order does not affect any obligation to pay any tax or charge in connection with the property or the property transaction.

2.5 Any refugee or displaced person with a right to property has a right to return to the property, or to dispose of it in accordance with the law, subject to the present regulation.

2.6 Any person with a property right on 24 March 1999, who has lost possession of that property and has not voluntarily disposed of the property right, is entitled to an order from the Commission for repossession of the property. The Commission shall not receive claims for compensation for damage to or destruction of property.

Section 3
Restitution of Property Lost as a Result of Discrimination

3.1 No claim for restitution of residential property lost between 23 March 1989 and 24 March 1999 as a result of discrimination may be made to any court or tribunal in Kosovo except in accordance with UNMIK Regulation No. 1999/23 and the present regulation.

3.2 A claim under section 1.2 (a), (b) or (c) of UNMIK Regulation No. 1999/23 must be submitted to the Directorate before 1 December 2001. The deadline for submission of claims may be extended by announcement of the Special Representative of the Secretary-General, who may:

(a) decline to extend the deadline for a category of claims or for purposes of section 5.2; and

(b) provide different deadlines for different categories of claims or for purposes of section 5.2.

3.3 Where a claimant is found by the Commission to be entitled to restitution, the Commission shall award restitution in kind unless the ownership of the property has been acquired by a natural person through a valid voluntary transaction for value before the date this regulation entered into force.

Section 4
Restitution of Occupancy Rights to Socially Owned Apartments Lost as a Result of Discrimination

4.1 This section applies to any occupancy right to a socially-owned apartment which was cancelled as a result of discrimination.

4.2 As an exception to section 3.3, in relation to a socially owned apartment which was subsequently purchased from the allocation right holder by the current owner under the Law on Housing (hereafter "First Owner"), the following rules shall apply:

(a) the claimant has a right to the ownership of the apartment upon payment to the Directorate of:

(i) the purchase price for the apartment contained in the contract of sale concluded by the First Owner; or

(ii) the price at which the claimant would have been entitled to purchase the apartment under the Law on Housing but for the discrimination (whichever is determined by the Directorate to be less), plus a percentage of the current market value of the apartment, as determined by the Directorate, and the cost of any improvements made to the apartment by the First Owner.

(b) to exercise the right to restitution in kind, the claimant must pay the sum referred to in section 4.2(a) to the Directorate within 120 days of the Commission's decision on the right to restitution. Upon the claimant's application, the Directorate may extend the deadline by up to 120 days if not extending it would result in undue hardship to the claimant. Upon payment of this sum, the Commission shall issue a decision awarding ownership of the apartment to the claimant; and

(c) money paid under section 4.2(b) will be held by the Directorate in a trust fund. A First Owner who loses the ownership of an apartment under this section will upon request be compensated by the Directorate from the trust fund for the amount s/he paid for the purchase of the apartment, a percentage of the current market value of the apartment, as determined by the Directorate, as well as for the cost of any improvements s/he made to the apartment. Any outstanding obligations of the First Owner under the Law on Housing are cancelled.

4.3 Except as provided in the previous section, no person whose rights are affected by a decision of the Commission awarding restitution in kind shall be entitled to any form of compensation.

4.4 Any claimant found by the Commission to have a right to restitution of a socially owned apartment, but who is not awarded restitution in kind in accordance with section 4.2, shall be issued a certificate by the Directorate stating the current market value of the apartment in its current condition, minus the amount which the claimant would have been required to pay for the purchase of the apartment under the Law on Housing. The Directorate shall establish formulae for determining these amounts and the amounts referred to in sections 4.2(a) and (c).

4.5 Any person with a certificate under section 4.4 shall be entitled to fair compensation proportionate to the amount stated in the certificate, to be paid from such funds as may be allocated in the Kosovo Consolidated Budget or any fund set up for this purpose under the present regulation. The method of calculation and payment of such compensation shall be established in subsequent legislation.

Section 5
Restrictions on Disposal of Apartments Pending Restitution Claims

5.1 This section applies to any person who purchased an apartment from the allocation right holder in accordance with the Law on Housing, where neither that person nor a member of that person's family household was the occupancy right holder of the apartment before 23 March 1989

5.2 Until the deadline referred to in section 3.2 of the present regulation, or until the resolution of any claim for the apartment made under the present regulation, whichever is the later, a person to whom this section applies shall be considered a lawful possessor of the apartment. During this period, the person may not transfer the apartment to any other person, except when the transfer is part of an amicable settlement of the claim through the agreement of the parties in accordance with section 10.1 of the present regulation. Any contract relating to a sale, exchange or gift made in contravention of this section shall be null and void.

Section 6
Allocation and Use of Socially Owned Apartments

With regard to the exclusive jurisdiction entrusted to the Directorate over the matters set out in section 1.2 of UNMIK Regulation No. 1999/23, the following provisions shall apply:

(a) article 3 of the Law on Housing Relations is suspended by the present regulation,

(b) notwithstanding the provisions of any other law, no occupancy right to a socially owned apartment may be terminated without:

(i) the consent of the occupancy right holder or the Housing and Property Directorate; or

(ii) an order of the Commission, as provided for in the present regulation; and

(c) notwithstanding Article 24 of the Law on Housing Relations, leases of socially owned apartments are permitted

Chapter 2
Rules of the Housing and Property Directorate

Section 7
Registration of Claims

7.1 The Directorate shall register claims under section 1.2 of UNMIK Regulation No. 1999/23 at offices established for this purpose in Kosovo and in such other locations as it sees fit.

7.2 A claim may be made by a person referred to in section 1.2 of UNMIK Regulation No. 1999/23, or, where that person is unable to make a claim, by a member of the family household of that person. For the purposes of the present regulation, the members of the

family household of a property right holder are determined in accordance with Article 9 of the Law on Housing Relations.

7.3 A claimant or a party to the claim may be represented by an authorized person with a valid and duly executed power of attorney. In exceptional cases, where the provision of a power of attorney is problematic the Directorate may certify an alternative document authorizing representation of a claimant.

Section 8
Content of Claims

8.1 The claim shall be made in a form determined by the Directorate providing all necessary particulars of the claim, signed by the claimant or the authorized person in the presence of a responsible officer of the Directorate (hereafter "Claim Form").

8.2 The claimant must submit with the Claim Form the originals or certified copies of any documents relevant to the claim which are in his/her possession, or which s/he can reasonably obtain from a public record. The Directorate is authorized to certify copies.

8.3 For claims under section 1.2(c) of Regulation 1999/23, the claimant may, in addition to any other order, seek an order:

(a) restoring possession of the property for the purposes of returning to the property or disposing of it in accordance with the law; and

(b) placing the property under the administration of the Directorate until such time as the claimant elects to return to the property or dispose of it.

Section 9
The Rights of Parties to the Claim

9.1 After receipt of a claim, the Directorate will notify the current occupant of the claimed property if any, and shall make reasonable efforts to notify other persons with a legal interest in the property. In appropriate cases, such reasonable efforts shall take the form of an announcement in an official publication of the Directorate.

9.2 The parties to the claim shall be the claimant and

(a) any current occupant of the claimed property; and

(b) any other natural person with a legal interest,

who informs the Directorate of their intention to participate in the proceedings within 30 days of being notified of the claim by the Directorate in accordance with section 9.1. A person with a legal interest in the claim, who did not receive notification of a claim, may be admitted as a party at any point in the proceedings, provided the claim has not been finally adjudicated.

9.3 The current or former allocation right holder to a claimed apartment may make submissions or present evidence in connection with the claim. Anyone who makes

submissions in their capacity as a representative of the current or former allocation right holder shall prove to the satisfaction of the Directorate their identity, and a connection to the allocation right holder. However, in no event is the Directorate or the Commission obliged to decide upon any legal question concerning the identity of the allocation right holder or the right to represent the allocation right holder.

9.4 In the notice of intention to participate referred to in section 9.2, the current occupant and any other natural person with a legal interest shall notify the Directorate of an address for delivery of documents. The Directorate shall deliver copies of the Claim Form to each party.

9.5 Within 30 days of receiving a copy of the Claim Form, the receiving party may respond to the claim in a form determined by the Directorate (hereafter "Reply to Claim"). Subject to section 21.1, each party must submit originals or certified copies of any documents relevant to the claim which are in his/her possession, or which s/he can reasonably obtain from a public record.

9.6 In the Reply to Claim, the current occupant may request that his/her housing needs be taken into consideration by the Directorate, and, if so, shall provide to the Directorate all information relevant to an assessment of his/her housing needs.

9.7 The Directorate shall deliver copies of the Reply to Claim to the other parties. In appropriate cases, the Directorate may provide the parties with summaries in the language of their choice of any document presented by another party. Any party may respond to any matter raised in the Reply to Claim within 30 days.

9.8 The Directorate may decline to disclose any information submitted to it by a party to the claim, including the identity of any party or witness, where necessary for the security of any person.

9.9 A Claim Form and a Reply to Claim may be submitted in Albanian, English or Serbian.

9.10 In the interests of the efficient and fair resolution of claims, the Directorate may, in specific cases, extend any deadline or dispense with any procedural rule in this Chapter, where there is good reason to do so and this would not materially prejudice the rights of any party. However, the failure of any party without proper justification to participate in the proceedings or comply with any rule shall not delay the resolution of the claim.

Section 10
Resolution of Claims

10.1 The Directorate shall endeavour to settle claims amicably through the agreement of the parties. The Directorate shall inform the parties of their rights and obligations under the present regulation, and may take whatever steps it sees fit to facilitate settlements or to assist the parties to resolve their housing needs. The Directorate may develop standardised settlement agreements for use by the parties, and may certify settlement agreements.

10.2 The Directorate may investigate a claim, and obtain evidence relevant to a claim from any record held by a public body, corporate or natural person. The Directorate is entitled to

free access without charge to any records in Kosovo relevant to the settlement of a claim or for any other verification purposes.

10.3 The Directorate may, by written decision, reject a claim if it manifestly falls outside the Commission's jurisdiction. A claim may be rejected at any stage of the proceedings before the Directorate.

10.4 The Directorate shall refer to the Commission any claim which cannot be settled amicably or in respect of which the claimant disputes the Directorate's rejection in terms of section 10.3. The Directorate may prepare summaries of submissions and evidence, translations of evidence, and recommendations for the consideration of the Commission.

10.5 The Directorate may at any time in the proceedings, either on the request of the claimant or on its own initiative, recommend that the Commission issues provisional measures of protection or any other directive or order necessary to secure the orderly and expeditious resolution of the claim.

Section 11
Uncontested Claims to Register Informal Transactions

11.1 For claims under section 1.2(b) of UNMIK Regulation No. 1999/23, the Directorate may issue an order for registration of the claimant's informal transaction in the appropriate public record if:

(a) the claim is uncontested; and

(b) the Directorate is satisfied that there is sufficient evidence that the claimant acquired the property right through an informal transaction between 23 March 1989 and 13 October 1999.

11.2 An order of the Directorate under this section is not a binding decision on property rights, and does not affect the right of any person to make a further claim to the Directorate under section 1.2 of UNMIK Regulation No. 1999/23. Such further claim must be made within 30 days of learning of the Directorate's order but not later than one (1) year from the date of the Directorate's order. The Directorate must publish orders made in terms of this section.

Section 12
Properties under the Administration of the Directorate

12.1 The Directorate is authorized to administer abandoned housing for the purpose of providing for the housing needs of displaced persons and refugees.

12.2 The Directorate may make an order placing a property under its administration in any of the following circumstances:

(a) by agreement of the parties in settlement of a claim;

(b) on the request of the claimant, following a decision by the Commission confirming the property right of the claimant,

(c) following eviction of the current occupant, if the claimant fails to repossess the property within 14 days of being notified of the execution of the eviction;

(d) where no claim has been submitted for the property, and the property is either vacant, or the current occupant of the property does not assert any property right to the property; or

(e) where no claim has been submitted for the property, on the request of the owner or occupancy right holder of the property.

12.3 For as long as a property is under the administration of the Directorate (hereafter "property under administration"), the rights of possession of the owner or occupancy right holder are suspended in the public interest.

12.4 The Directorate may grant temporary permits to occupy property under its administration, subject to such terms and conditions as it sees fit. Temporary permits shall be granted for a limited period of time, but may be renewed upon application.

12.5 The Directorate shall establish criteria for the allocation of properties under administration on a temporary humanitarian basis.

12.6 The Directorate may issue an eviction order in relation to a property under administration at any time in any of the following circumstances:

(a) where the current occupant does not qualify for a temporary permit;

(b) where a temporary permit has expired; or

(c) where the holder of a temporary permit ceases to qualify for accommodation on humanitarian grounds or does not comply with the terms and conditions of the temporary permit.

12.7 The owner or occupancy right holder of a property under administration may give notice to the Directorate of his/her intention to return into possession of the property. Following a request from the owner or occupancy right holder, the Directorate will deliver an eviction order requiring the current occupant to vacate the property within 90 days, and if the current occupant does not voluntarily vacate the property, the Directorate will issue a warrant authorizing execution of the eviction order. The administration of the property by the Directorate terminates upon repossession of the property by the owner or occupancy right holder.

12.8 The Directorate shall make reasonable efforts to minimize the risk of damage to any property under its administration. The Directorate shall bear no responsibility for any damage to property under administration or loss of or damage to its contents.

Section 13
Execution of Decisions and Eviction Orders

13.1 The Directorate shall deliver a certified copy of a Commission decision and any order to each party at the address given in terms of section 9.4. The decision and any order are effective from the date of delivery to the last party, unless the decision or order provides otherwise.

13.2 The Directorate shall deliver an eviction order issued by the Commission to the current occupant of the claimed property. The Directorate may, at its discretion, delay execution of the eviction order for up to 6 months, pending resolution of the housing needs of the current occupant, or under circumstances that the Directorate deems fit. The Directorate shall inform the current occupant and the claimant of the reason for the delay.

13.3 Save for an eviction order in section 12.7 or an order by the Commission providing otherwise, an eviction order issued by the Commission, or in the case of property under its administration, by the Directorate, is executable 30 days after delivery. The eviction order may be executed against any person occupying the property at the time of the eviction.

13.4 An eviction shall be executed by the responsible officer of the Directorate, with the support of the law enforcement authorities. The said officer and authorities must be in possession of a warrant signed by:

(a) the Registrar, in the case of an order of the Commission; or

(b) a senior official of the Directorate, in the case of an order made by it, authorizing execution of the eviction order.

13.5 During the execution of an eviction order, any person who fails to obey an instruction of the responsible officer to leave the premises may be removed by the law enforcement authorities. In the event that movable property is also removed, the Directorate shall make reasonable efforts to minimize the risk of damage to or loss of such property. The Directorate shall bear no responsibility for any damage to or loss of removed property.

13.6 The Directorate shall notify the claimant of the scheduled date of the eviction. Following the execution of an eviction, if the claimant or temporary occupant is not present to take immediate possession of the property, the responsible officer shall seal the property, and notify the claimant. Any person who, without lawful excuse, enters a property by breaking a seal may be subject to removal from the property by the law enforcement authorities.

Section 14
Reconsideration Requests of Commission Decisions

14.1 Any party to a claim may submit to the Directorate a request to the Commission for the reconsideration of a Commission decision within 30 days of being notified of the decision.

(a) upon the presentation of legally relevant evidence, which was not considered by the Commission in deciding the claim, or

(b) on the ground that there was a material error in the application of the present regulation.

14.2 Any interested person who was not a party to the claim, and who can show good cause why s/he did not participate as a party to the claim, may request reconsideration of a Commission decision within 30 days of learning of the Commission's decision but not later than one (1) year from the date of the Commission's decision.

14.3 The execution of a pending eviction order shall be stayed from the time of lodging of the reconsideration request until the Commission has decided on the reconsideration request, unless the Commission determines otherwise.

Section 15
Cooperation and Delegation

15.1 In the performance of any of its functions under the present regulation, the Directorate may co-operate with and receive information from any intergovernmental, governmental or non-governmental entity.

15.2 The Directorate may delegate any of its functions to the responsible municipal service in one or more municipalities in Kosovo, subject to such supervision arrangements as it considers appropriate.

Section 16
Additional Rules

The Directorate may adopt additional rules for carrying out its functions provided that they are consistent with the present regulation.

Chapter III
Rules of Procedure of the Housing and Property Claims Commission

Section 17
General Rules of the Commission

17.1 The Commission shall sit in plenary session or in such Panels as are established under section 2.2 of UNMIK Regulation No. 1999/23. In the present regulation, once two or more Panels have been created, the terms "Commission" and "Chairperson" shall mean "Commission" and "Chairperson of the Commission" in relation to plenary sessions, and "Panel" and "Chairperson of the Panel" in relation to claims considered in Panels.

17.2 The Chairperson of the Commission shall be designated by the Special Representative of the Secretary-General from among members of the Commission. If the Chairperson of the Commission resigns, is removed or is not re-appointed, the longest-serving Panel Chairperson shall be the Acting Chairperson of the Commission pending the designation of the Chairperson by the Special Representative of the Secretary-General. For Panels established subsequent to the first Panel, the Chairperson shall be designated by the Chairperson of the Commission after consultation with the members of the Panel.

17.3 Members of the Commission shall be appointed by the Special Representative of the Secretary-General for an initial term of one year. They may be re-appointed for one or more additional terms.

17.4 A member of the Commission may be removed from office by the Special Representative of the Secretary-General on the recommendation of a majority of the members of the Commission for failure to meet the qualifications for office or for persistent and unjustified refusal to perform the duties of office.

17.5 A member of the Commission who intends to resign shall:

(a) provide at least one month's written notice to the Registrar and the chairperson of the plenary Commission;

(b) continue to perform all his/her functions until the end of the notice period subject to section 17.5 (c); and

(c) continue to serve after the end of the notice period for the limited purpose of finalising any claim or group of claims which is still pending before that member's Panel

17.6 Without prejudice to any other law or regulation dealing with immunity, members of the Commission and staff members of the Commission and Directorate shall be immune from any criminal or civil proceedings for any acts carried out within the scope of their official duties.

17.7 The Registrar in consultation with the Chairperson of the Commission shall determine the number and date of its sessions.

17.8 The seat of the Commission shall be in Pristina. The Commission may decide to hold sessions elsewhere if it thinks fit. In appropriate cases, deliberations of the Commission may take place through electronic means.

17.9 The Chairperson of the Commission shall direct the work of the Commission and preside at its sessions.

17.10 The Commission shall elect a Vice-Chairperson who shall perform the functions of the Chairperson in the absence of the Chairperson.

17.11 Members of the Commission unable to participate in a session shall give written notice to the Registrar and the Chairperson at least two weeks before the session. The notice must provide the reasons for the inability to participate.

17.12 Members of the Commission serve only in their personal capacity. They shall not take part in any proceedings on a claim in which they have a personal interest, or if they have been consulted by or are associated with a party to the claim, or if they have been involved in any legal proceedings on the claim other than the proceedings before the Directorate and Commission, or if there are any other circumstances which may affect their impartiality. In case of any doubt concerning this paragraph, or in any other circumstance which might affect the impartiality of members in deciding a claim, the Chairperson shall decide or, in the event that the Chairperson's impartiality could be affected, the Vice-Chairperson shall decide.

17.13 The Registrar of the Commission shall be appointed by the Executive Director of the Directorate in consultation with the Chairperson. The Registrar and staff members of the Commission will provide administrative, technical and legal support to the Commission.

17.14 The Registrar, in consultation with the Chairperson of the plenary Commission, shall determine the order in which claims will be considered by the Commission, and shall allocate claims between the Panels, taking into account the desirability of developing a consistent practice.

17.15 The official languages of the Commission shall be Albanian, English and Serbian. The Chairperson may permit any member or person appearing before the Commission to speak in any other language.

17.16 Interpreters employed by the Directorate or the Commission in connection with Commission proceedings shall make the following declaration:

> "I solemnly declare that I will perform my duties as interpreter faithfully, impartially and conscientiously, and with full respect for the duty of confidentiality."

Section 18
Plenary Sessions of the Commission

18.1 The Commission shall decide, in plenary session, on additional rules of procedure and evidence in accordance with section 26, and on such issues that may be referred to it in accordance with section 20.4.

18.2 Until such time as more than one Panel is established, the quorum for plenary sessions of the Commission shall be two members. Decisions shall be made in accordance with section 20.3.

18.3 Following the establishment of two or more Panels, the quorum for plenary sessions shall be a majority of the members of all Panels. Decisions shall normally be taken by consensus. If a consensus cannot be reached, a decision shall be taken by majority vote. In the event of a tied vote, the Chairperson of the Commission shall have the casting vote in addition to the vote to which each member is entitled.

Section 19
Proceedings of the Commission

19.1 The Commission shall, subject to sections 19.2 and 19.3, decide claims on the basis of written submissions, including documentary evidence.

19.2 No party may give oral evidence or argument before the Commission unless invited to do so by the Commission. An oral hearing shall take place in public, with due notice to the parties, unless the Chairperson determines otherwise for reasons of the security of the parties or other special circumstance. Proceedings in an oral hearing shall be conducted under the direction of the Chairperson.

19.3 The Commission may consider written or oral submissions from any intergovernmental, governmental or non-governmental entity or expert witness on any matter relevant to a claim.

19.4 The Commission may appoint any one of its members to carry out any of its functions, including attending the hearing of oral evidence at any place, and to report back to the Commission.

19.5 The Commission may:

(a) consider claims raising common legal and evidentiary issues together;

(b) delegate to the Registrar and the staff members of the Directorate assigned to service the Commission certain claims review and evidentiary review functions, subject to the supervision of the Commission;

(c) use computer databases, programs and other electronic tools in order to expedite its decision-making; and

(d) take any other measures it considers appropriate to expedite its decision-making.

19.6 The Commission may, in specific cases, proceed notwithstanding non-compliance with any procedural rule by any Party or by the Directorate in the interests of the efficient administration of justice, where there is good reason to do so and this would not materially prejudice the rights of any party.

19.7 Prior to deciding a claim, the Commission may issue any interim order consistent with the present regulation, which it considers necessary for an orderly and expeditious resolution of the claim.

19.8 All proceedings before the Directorate and the Claims Commission, including the completion and submission of claim and reply to claim forms, are considered to be administrative proceedings for the purposes of section 176 of the Penal Law of Kosovo (Official Gazette of the SAPK no 20/77, 25/84 and 44/84) concerning false testimony.

Section 20
Panels

20.1 Subject to sections 17.11, 17.12, 20.2 and 25.1, claims shall be adjudicated by a Panel.

20.2 The quorum for meetings of a Panel shall be two members.

20.3 Decisions of a Panel shall normally be taken by consensus. If all members of a Panel are present and a consensus cannot be reached, a decision shall be taken by majority vote. If two members of a Panel are present and a consensus cannot be reached, the Chairperson of the Panel shall defer consideration of the claim to the next session of the Panel.

20.4 A Panel or the Chairperson of a Panel may refer specific issues relating to a claim to the plenary session of the Commission for guidance. Decisions of a Panel to refer specific

issues to the plenary session of the Commission shall be made in accordance with section 20.2 and 20.3.

20.5 In deciding on a claim or on whether to refer specific issues relating to a claim to the plenary session of the Commission, members of a Panel may not abstain.

20.6 The Chairperson of the Commission may temporarily designate a member of a Panel to serve on a different Panel where s/he deems it necessary for the proper functioning of the Commission.

Section 21
Evidence

21.1 The Commission may be guided but is not bound by the rules of evidence applied in local courts in Kosovo. The Commission may consider any reliable evidence, which it considers relevant to the claim, including evidence presented by the Directorate concerning the reliability of any public record.

21.2 The Commission may require the Directorate to obtain more information from a party, or to conduct additional investigations.

Section 22
Decisions of the Commission

22.1 The Commission may refer issues arising in connection with a claim, which are not within its jurisdiction to a competent local court or administrative board or tribunal.

22.2 A panel shall be bound by the principles established in:

(a) its own decisions and the decisions of another Panel, unless compelling reasons exist for deviating from those principles; and

(b) the decisions of the plenary Commission.

22.3 The Commission shall not award any remedies other than those provided for in the present regulation.

22.4 No party may recover any costs from any other party in connection with proceedings before the Directorate or Commission.

22.5 The Commission may limit its decision to rights of possession of the claimed property where that would provide an effective remedy for the claim.

22.6 Where a claim is made by a family member of the property right holder in accordance with section 6.2, the Commission may decide any property right in the name of the property right holder, and make an order for possession in favour of the claimant. Such a decision shall not determine or affect any legal issue between the claimant and the property right holder or any other person not a party to the claim. Following the Commission's decision,

local courts in Kosovo retain jurisdiction to adjudicate any legal issue not decided by the Commission.

22.7 In its decision, the Commission may:

(a) decide such property rights as are necessary to resolve the claim;

(b) make an order for possession of the property in favour of any party;

(c) order the registration of any property right in the appropriate public record;

(d) where necessary, to resolve a claim, vary the terms of any contract made for the purpose of avoiding a discriminatory law, so as to reflect the actual intention of the parties to the contract;

(e) cancel any lease agreement in respect of a property which is subject to an order in terms of the present regulation and make ancillary orders to give effect to the cancellation;

(f) refuse a claim; and

(g) make any other decision or order necessary to give effect to the present regulation.

22.8 A decision shall contain:

(a) the date of adoption;

(b) the names of the parties and their representatives;

(c) the relief sought;

(d) the reasons for the decision, including the material facts and property rights found by the Commission; and

(e) the orders of the Commission.

22.9 Decisions shall be signed by the Chairperson, provided that if the number of claims decided in a session is high, the Chairperson may sign a cover decision approving all individual decisions identified in the cover decision. The individual decisions shall be certified by the Registrar. A copy of an original document signed by the Chairperson which has been sent to the Registrar by facsimile transmission of the original is sufficient authority for any actions taken pursuant to the document.

22.10 The Registrar shall publish the decisions of the Commission, or summaries of the decisions.

22.11 The Registrar is authorized to correct any textual errors in a Commission decision, which do not materially affect the rights of any party, if the Chairperson of the Commission agrees.

Section 23
Summary Procedure

23.1 Any claim under section 1.2(c) of UNMIK Regulation No. 1999/23, which is uncontested, may be considered by the Commission under a summary procedure.

23.2 In a summary procedure, the Commission may make an order for recovery of possession of the property if satisfied that there is evidence that the claimant was in uncontested possession of the property prior to 24 March 1999.

23.3 A summary decision shall contain:

(a) the date of adoption;

(b) the names of the parties and their representatives; and

(c) the operative provisions of the decision.

23.4 Section 23 does not prevent the Commission from deciding any other uncontested claim summarily.

Section 24
Provisional Measures

24.1 Upon the recommendation of the Directorate, whether at the request of the claimant or otherwise, the Commission may issue provisional measures of protection where it appears likely that, if provisional measures were not issued, a party would suffer harm, which cannot subsequently be remedied.

24.2 In exceptional circumstances, on the recommendation of the responsible law enforcement agencies and where necessary to control a continuing threat to public security, provisional measures may include the eviction of the current occupant of the claimed property, where the Commission is satisfied that there is evidence of prior uncontested occupation of the property by the claimant. An eviction order issued under this section may be executed by the responsible law enforcement authorities without notice.

Section 25
Reconsideration of Decisions

25.1 Following the establishment of two or more Panels of the Commission, any reconsideration of a matter shall be conducted by a different Panel than the one that decided the claim, unless the Chairperson of the Panel appointed to conduct the reconsideration, in consultation with the Chairperson of the Commission, determines that it should be conducted in plenary session.

25.2 In the reconsideration of a decision, the Commission or a Panel established by it shall consider all evidence and representations submitted with respect to the original claim and any new evidence and representations with respect to the reconsideration request. The

Commission or Panel concerned shall either reject the reconsideration request, or issue a new decision on the claim.

Section 26
Additional Rules

The Commission may adopt additional rules for carrying out its functions provided that they are consistent with the present regulation.

Chapter IV
General Provisions

Section 27
Implementation

The Special Representative of the Secretary-General may issue administrative directions for the implementation of the present regulation.

Section 28
Applicable Law

The present regulation shall supersede any provision in the applicable law that is inconsistent with it.

Section 29
Entry into Force

The present regulation shall enter into force on 31 October 2000.

Bernard Kouchner
Special Representative of the Secretary-General

REGULATION NO. 2000/61

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF CIVIL SECURITY AND EMERGENCY PREPAREDNESS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, UNMIK Regulation No. 1999/8 of 20 September 1999 on the Establishment of the Kosovo Protection Corps, UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure and UNMIK Regulation No. 2000/45 of 11 August 2000 on Self-Government of Municipalities in Kosovo,

For the purpose of establishing the Administrative Department of Civil Security and Emergency Preparedness,

Hereby promulgates the following:

Section 1
Administrative Department of Civil Security and Emergency Preparedness

1.1 The Administrative Department of Civil Security and Emergency Preparedness (hereinafter "the Department") is hereby established.

1.2 The Department shall be responsible for the overall coordination of matters relating to the emergency prevention and response services in Kosovo including, but not limited to, the Kosovo Protection Corps, fire and emergency services and the long term arrangements for mine clearance.

1.3 The Department shall implement the policy guidelines formulated by the Interim Administrative Council in the field of emergency prevention and response services.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*:

(a) An overall strategy for the development and promotion of non-discriminatory, professional, ethical, efficient, transparent and accountable emergency prevention and response services;

(b) Formulation of programs and budgets for the development and maintenance of the emergency prevention and response services; and

(c) The development of a regulatory framework, including the setting of standards and the proposal of regulations, for emergency prevention and response services.

2.2 The Department shall:

(a) Implement the strategy and policies for the development and maintenance of emergency prevention and response services within the framework of designated donor grants and the Kosovo Consolidated Budget;

(b) Implement and support the processes of hazard identification and evaluation in regions and municipalities;

(c) Implement, support and supervise fire prevention measures;

(d) Initiate, implement and coordinate other emergency prevention measures in cooperation with relevant administrative departments and the municipalities;

(e) Promote public awareness activities in the field of emergency prevention and response;

(f) Develop, maintain and supervise the operational capacity of a coordinated emergency response system throughout Kosovo, in cooperation with relevant administrative departments, the municipalities, police, KFOR, health authorities and ambulance services;

(g) Under the overall authority of, and in accordance with policies and priorities established by, the Special Representative of the Secretary-General, implement, finance, support and supervise the establishment and operations of the Kosovo Protection Corps in cooperation with KFOR;

(h) Implement, finance, support and supervise the establishment and performance of tasks of the fire and emergency services in cooperation with relevant administrative departments and the municipalities;

(i) Plan and develop the long term arrangements for mine clearance in cooperation with the UNMIK Mine Action Coordination Centre; and

(j) Perform such functions as are ancillary to those set out above and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Department

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Department; and

(c) The effective and efficient management of resources provided to the Department from the Kosovo Consolidated Budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavour to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment for the Department is based on professional qualifications, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law that is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 9 November 2000

Bernard Kouchner
Special Representative of the Secretary-General